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SPEECH

OF

MR. JAMES McDOWELL, OF VIRGINIA,

ON THE FORMATION OF GOVERNMENTS FOR

NEW MEXICO AND CALIFORNIA.

DELIVERED

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NEW MEXICO AND CALIFORNIA.

The Committee of the Whole on the state of the Union having under consideration the bill to provide for the support of the Post Office Department for the year ending 30th June, 1859, and for other purposes, (Mr. WATTS, of New York, in the chair)—

Mr. McDOWELL addressed the Chairman, and after expressing his regret at being constrained by the state of business before the committee and the House, either to adopt the disorderly and irregular practice of speaking upon one subject whilst another and a different one was formally before the committee, or to forego the only opportunity he might have of speaking at all, then proceeded, substantially, as follows:

Mr. Chairman, if it had been my good fortune to have entered upon the discussion of our territorial affairs at an earlier period of the debate of which they have so long been the subject, I would have considered it not only my privilege, but my duty, to have examined the constitutional questions with which they have been connected, as fully and thoroughly as my short hour would have allowed; but at this late period of the session, and of the debate also, after these very questions, in all their latitude, have been discussed here, almost to the hundredth time, with unwearied elaboration, and oftentimes with great ability, it would seem that any further and formal discussion of them now was scarcely admissible. At all events, sir, I cannot but know, not only how irksome it would be to me to go over these questions afresh, but how utterly hopeless also would be the expectation, on my part, of reproducing them in any more favorable or more impressive lights than those in which they have already been presented by my colleagues in opinion. Gladly, therefore, Mr. Chairman, as I would have gone into an examination of these questions at a more propitious moment, and fully as I had prepared myself to do so, and had intended to do so until within a few days ago, I shall now leave them, and instead of any argument upon them will proceed to offer some remarks to the committee in vindication and support of the bill which proposes to *admit our Mexican Territories upon the footing of a State*.

Whether the bill which was originally reported upon that subject in the Senate by an honorable member of that body from Illinois, [Mr. DOUGLAS,] or the substitute for that bill which was offered in this House by my kinsman and colleague from Virginia, [Mr. PRESTON,] be preferred, is, in my opinion, not very material. Upon the whole, I

prefer the substitute, but will cheerfully vote for either. They both rest upon the same basis, and depend for their rejection or support upon the same general considerations. It is not pretended that either the original bill or the substitute for it is free from objections; nor is it pretended that these objections should not weigh heavily against both in a different and less critical condition of the country than the present. But as these objections are temporary mainly, as none of them are fatal in their nature, and as the advantages with which they are connected are of high national value, it is justly considered, I think, sir, that the measure which the bill and the substitute embody furnishes an honorable and common ground upon which our conflicting opinions on the subject of that measure may be mutually given up, and our national difficulties about it suitably and finally disposed of. As to the constitutional authority which it involves, that, I presume, will not be seriously questioned by anybody.

The constitutional power to admit a State—that which this measure proposes to draw into immediate exercise—is a distinct, positive, expressly-granted power, subject to no prescribed qualification of substance or form, which is at all applicable to the case in which it is now proposed to be exercised. The whole power, together with every connected circumstance under which it may be considered necessary and proper to carry it into execution, is confided exclusively to the sound judgment and discretion of Congress. Whether, therefore, the State which it is proposed to admit, itself at the time being a territory of the United States, ought or ought not to be kept for a longer or a shorter period in its territorial condition, or whether that condition ought to be dispensed with entirely, are questions which necessarily result from the execution of the power to admit, and which it is for the discretion of Congress, and that only, to determine. There may exist the very strongest and soundest reasons, in a particular case, why the territorial condition should be enforced rigorously, and for a long period of time; and so too, on the contrary, there may be reasons of equal obligation and authority, in another case, why this preliminary or nursery condition of the territory should be passed over altogether, and the embryo commonwealth at once taken into the family of the States. The Congress of 1787, acting upon the necessities then existing, constituted a government for the Northwestern Territory upon the model of

their own famous ordinance of that day. The Congress of 1849, acting upon the necessities of this day, and with a jurisdiction over the subject more plenary than that of its predecessor, may, at its own election, either constitute a government for its Mexican territories as territories, or authorize them to constitute a government for themselves as a State.

Of these alternative modes of action, both equally belonging to Congress, the formation of a government for the territories as such, with reserved supremacy here, is most consistent with our legislative precedents; but the admission of them forthwith into the Union under the guarantee of a republican form of government, and with a State constitution established by themselves, is but the exercise in another form of our admitted discretion in the case, and is, withal, in the very strictest spirit of the Constitution itself. Our whole power over the territories is a trust power—a power which gives us the right to control them temporarily, but with the obligation of admitting them at some time into the Union, and of securing to them, when admitted, a republican form of government. Where this right to control them ceases, and the obligation to admit them into the Union begins, is a point not settled by the Constitution, and therefore left by it to be settled upon just such judgment as Congress may form upon the fiduciary nature of the power, and upon the special circumstances in each case in which it is their duty to exercise it. In a letter of Mr. Madison, which was addressed to Mr. President Monroe in 1820 upon the subject of the "Missouri restriction," and which letter has but recently been brought to light as part of an appendix to a speech of an honorable Senator from Florida, [Mr. Westcott,] we find the following passage:

"The right of Congress to control the territories being given from the necessity of the case and in suspension of the great principle of self-government, ought not to be extended further nor continued longer than the occasion might fairly require."

Here, in this declaration of Mr. Madison, himself the most authoritative and soundest of all of our constitutional expositors, we have all the essential elements of this territorial power admirably compressed into a single sentence, and stated with an analytical precision which forbids mistake. It results from the general ground here taken by Mr. Madison, first, that the right which is founded in necessity should be controlled by it, and hence that Congress should extend to the territories no further control or government than that which is demanded by the most general and indispensable objects of civil administration. It results also that the government of the territories by Congress being a suspension of the great right of self-government by the people of the territories themselves, is admissible only whilst the necessity for it continues, and should be surrendered the moment that necessity—the justifying cause of it—is at an end. It is a yet further deduction from these grounds of opinion, though in a much larger and stronger sense still—a deduction from the whole scope and tenor of our representative system and representative duty—that whenever the case shall arise in which the necessity for establishing a territorial government shall be met and resisted by a stronger and intenser national necessity for premitting it altogether, that in that case the stronger necessity

must be allowed to prevail, the territorial government be given up, and the young and expectant commonwealth instantly taken into the family of the States. Whenever, in the administration of public affairs, a smaller and a larger interest come into unavoidable conflict with one another, the smaller one must give way. And this is precisely the state of affairs before us now.

We have, on the one hand, our national safety to protect—a duty which, of all others under Heaven, it is the most imperative upon us faithfully and inflexibly to perform: we have, on the other hand, a territory to provide with a government and laws—a duty of far inferior interest, to be sure, but not to be neglected. These are the respective duties to which we are now called; and though they have often arisen under the same classification, and have often been discharged in the past administration of the Government, yet never before, as we all know and feel, did they enter into and blend so vitally and so indissolubly with one another as they do now. In the efforts which we have made to discharge our duty to the territories, plans of government for them have been offered and discussed here which have been prolific of little else than public apprehension and alarm, which thus far have served only to array one great geographical division of the United States against another, and to stir up between them a spirit of alienation, animosity, and feud, as utterly inconsistent with the unity of their political relationship as dangerous to the continued maintenance of their common interests and common peace.

In this gloomy conjunction of affairs a new plan of government for the Territories is presented—a plan of mediation and of peace; one which has no connection with any sectional interest or sectional feeling of any kind whatever; which stands aside from all that source of heart-burning, jealousy, and disturbance, and which, having no serious constitutional objections to encounter, promises, on all these accounts, to put an immediate and pacific end to a most angry, harassing, and portentous national dispute. These are its general aspects. As to its more particular ones: what though it be new and untried and awkward—what though it consolidate into one political community a vast, unwieldy, disconnected, and half-peopled region—what though it admits to the immediate enjoyment of all the rights and privileges of American citizenship, thousands of foreigners who know nothing about them—what though it conflicts with our own preconceived determinations and views upon this subject, or rubs, peradventure, against any prearranged political calculations and hopes which any of us may entertain,—what of all these objections and all others that can be added to them, making the most of them and the worst of them—what are they all when gathered together and piled up to their topmost aggregate, Pelion upon Ossa, but the small dust of the balance when weighed against—what it may fairly hope to accomplish—the pacification and perpetual union of more than twenty millions of freemen!

Let us remember, sir, that our business is no longer the simple and comparatively easy one of framing the best possible government for a territory, considered independently and apart from its relations to the Union. Our true business, on the contrary, is the very opposite of this: it is to provide a government for the Territories which, being

constitutional and sufficient for them, shall, at the same time, be best in its primary reference to the peaceful relations, and therein to the universal welfare, of the States. Our work in this matter is no longer limited to the Territories, either in its motives or effects. It goes, under the force and pressure of events to the whole country; it goes to all those vast and unutterable issues for good or evil which depend upon maintaining or not maintaining that country just as it now is—one powerful, prosperous, united whole. It is, therefore, eminently and above all others, a work with which no carping, nor fault-finding, nor bigoted, nor sectional, nor pettifogging spirit has anything to do. It is one which nothing less than the largest patriotism, earnestly, loyally, wisely operating for the very largest and holiest ends of public good, can ever adequately or rightly accomplish. It is a work of all for all—of each part for every part—of the entire country and of entire devotion to that country. And whilst we to whom it is confided stand here to execute it as a common brotherhood for a common good, our ears must be heavy and our heart hard, beyond the ordinary lot of our kind, unless we hear and feel the voice of our mother-land, coming up over all other voices, and calling upon each one of us, in soft and thrilling tones, "My son, my son, be true to thy trust—be true to me." He who, at such a moment so responsible to himself; so great in its issues to the country that has honored him—he who, at such a moment, is afraid to be a good man, has already, to say the least of him, begun to be a bad one.

If gentlemen, Mr. Chairman, are still tenacious of their objections to the plan proposed, and do not find, in the national difficulties by which we are surrounded, persuasives enough to relinquish them, let us look for a moment to the peculiar structure of our Government, and see if we cannot derive from that an additional and sufficient persuasive for this purpose. That Government—to use the language which was employed by General Washington, as President of the Convention that formed it, to recommend it to the adoption of the people and the States—that Government was founded in "a spirit of amity and of mutual deference and concession." It is, therefore, in its nature and origin and history, and throughout the whole range of its purposes and provisions, directly opposed to everything that is sectional, separate, or peculiar. It rejects as its worst and most fatal enemies all exclusiveness and all ultraism, whether of opinion or of action. It associates with no extremes of any kind whatever, and hence not only has the general policy of the Government been remarkably free from the control of extreme views, but whenever a particular measure, partaking of that character, has been fortuitously forced upon it, it has never failed to go down, speedily and certainly, under the moderating and equalizing spirit of the general system.

If you would maintain such a Government as this in its true and natural vigor, you must put your shoulder to the foundation principles upon which it rests, and see that their strength and stability are never disturbed. This, indeed, is an indispensable safeguard in all governments, no matter what their form; for if the parent principle of them be relaxed, neglected, or misapplied, languor, decay, or dissolution will inevitably follow.

Most of the governments of the world are nothing better than modifications of the principle of force,

but they possess, in this very circumstance, very great means of supporting themselves by the mere external power of organization. Our Government, on the contrary, in both its subdivided and its compounded forms, resting entirely upon the voluntary principle or consent of the governed, can never maintain itself upon the external aids of its machinery, nor otherwise in its healthy and legitimate vigor, than upon the supporting concurrence of the national will. But consent in our case—the case of a Federative Government—is the modified or harmonized will of the various parties collected into one, and is but another name for compromise; and so, in fact, our Government is, to all intents and purposes, a government of compromise. Look away, sir, from all that you know of the external history of the Constitution—from all that you have ever read of the opinions, suggestions, and statements of its framers; turn your eye inward upon the instrument itself; run it over line by line; count up all of its provisions, and compromise is the one outstanding and characteristic feature which is indelibly stamped upon every page of it. It was once said by a French critic of a fine literary performance which he was reviewing; that after he had written the words *bene, pulchre, optime*, at the top of every page, his work of criticism was accomplished. So it may be said of our Constitution—that after writing the word *compromise* upon every part of it, your work of descriptive history is over. This is especially true of all those portions of it where the relative rights of the States are concerned. Wherever these rights were involved, there all *a priori* hypotheses of government, all abstract and theoretic ideas of perfection, were at once abandoned, and some conventional adjustment resorted to instead, by which the largest practicable measure of equality, justice, union, and contentment, was expected to be established. These, indeed, were the great and ultimate ends for which the Constitution was intended, and no abstractions nor idealities of Government, nor any local or sectional objects were ever allowed to frustrate or thwart them. The result was, that all the external, national, and aggregate interests of the States were collected into and placed under the control of one central head, whilst all their separate and local interests were left to the home governments out of which they arose, and to which they properly belonged.

Pressed as these States had been to the very earth by the heavy foot of an unnatural power, even after they had confederated with one another for mutual assistance, none better understood, from experience, than they did, that security and strength, and life itself, lay in their most intimate and closest union with one another; that if separate and disunited, they would not only be less capable by far both for internal prosperity and external defence, but must sooner or later sink under the grasp of some foreign usurper, or under jealousies, aggressions, and conflicts with one another. Union, then, was the wisdom of our revolutionary day; union is the wisdom of our day, and union will continue to be the wisdom of every day that is yet to come, until the nations of the earth have no rapacities and no ambition to graufy, and this poor heart of ours—that world of iniquity within itself—has no foul passions to inflame, to misdirect, or defile it.

The well-advised and cordial faith with which

the framers of our Constitution committed themselves to this great historic truth, and the political consequences to which it led the way—that our highest wisdom was in closest union with one another—is strikingly exemplified in the character of the constitutional concessions which they devised to secure it. Look, for example, at the representation in the Senate. There you see every actual, and almost every possible inequality between the associated States disregarded, and the States themselves made politically equal to each other. There you see Delaware and New York, the pigmy and the colossus of the Union, sitting side by side, the equal of each other in dignity, and sharing alike in the power and the counsels by which the affairs of each and of all are controlled. Having a representation in this House founded upon numbers, the small States might reasonably have entertained some apprehensions for their security, unless supplied with the check of a unit or political representation in the Senate. They, therefore, demanded this—persistently and vehemently demanded it, declaring that they could not surrender it without subjecting themselves to the mere mercy of their constitutional associates, which they would not do. This demand, so perfectly subversive of the dominion, and so revolting to the natural love of consequence and power in the larger States, was finally acquiesced in. Its clear justice in a federative government, backed and enforced by that ardent revolutionary spirit, not then extinct, which nationalized everything, triumphed over every objection, and thus secured its adoption as one of the most marked and conservative features of the whole Constitution.

But it is not so much to the *extent* of the compromise in this particular matter to which I would direct your attention, Mr. Chairman, as it is to the principle on which it is made—the principle, namely, of *defending the weak against the encroachments and aggressions of the strong*. “I will not have,” said Isocrates, when treating with certain Grecian States about the affairs of Athens—“I will not have,” said he, “any guarantee that you can offer us but this: that you shall not be able to hurt us if you would.” This is precisely the guarantee intended by our Constitution; the weak were to be so protected by what the strong should not hurt them if they would. It was not enough to the equitable and just and provident spirit of our Constitution-makers that the States should, in all respects, be as safe and as well off under the Constitution then forming as they were before; they looked and labored for something beyond this, and better than this. Determined to place every State in a sounder and safer condition than ever before, they not only left it a sovereignty sufficient for all local wants, but they so labored as to possess it, at the same time, with a central head, which should be perfectly capable of defending it from all external aggression, and yet perfectly incapable of committing upon it any aggression of its own.

After this brief and imperfect sketch of the compromise character of the Constitution, I feel myself more at liberty to insist upon the representative duties which that character enjoins, and to require, on behalf of the South, and as one of its representatives here, that its high authorities be executed for the broad and national ends for which they were given. Our situation in the South, so far as any of the rights or interests which attach to it can

be subjected, even resultingly, to the action of Congress, is just that which some of the compromises spoken of were intended to provide for. We are a minority in numbers; we are a minority in interest; we are thus laboring under a double incapacity to defend ourselves, representatively, here, and have no other reliance, *within* the Constitution, for the protection of our rights and interests, when questioned or assailed, except in the faithful and righteous administration of that instrument, under the limitations, for the objects, and in the fraternal spirit, in which it was formed. This is our reliance; it may be what we expect it to be—a safe and a solid reliance; it may be a worthless and a rotten one. Whatever it be, it is our constitutional all; and we are determined to stand upon it whilst it lasts. Should it fail us—which Heaven forbid!—and we, as a consequence, be thrown off, unprotected and aggrieved, then, sir, in that dread hour, we shall look for such relief for ourselves, outside of the Constitution, as our whole case of exigency and of duty shall suggest. Meanwhile, and as the wise and fit preventive of any such ultimate resort, we invoke the earnest and instant use of all the safeguards and protecting energies of the Constitution. And this we do with a confidence made stronger and deeper by the fact that our own southern States were amongst the foremost to surrender the powers upon which these very safeguards were established. What State, for instance, ever sacrificed as Virginia sacrificed, in constituting the co-equality of the Senate?—in admitting to an equal participation with herself, even in the adjustment of questions affecting her own rights, some States which would not have figured as a handbreadth upon the map of her immense dominions? When this was done, (1788,) Virginia was the most powerful of all the States in the Union; the most powerful in population, in wealth, in physical capability, in prospective growth, and immeasurably the most so in political influence and control. Yet she surrendered these great advantages, generously and without a murmur, that she might cooperate with her sister States in building up a permanent and, as far as possible, a perfect constitutional safeguard for the protection of the defenceless and the weak. The feeble in interest or in numbers were never to be trampled on by the strong in either or in both. This was the immunity which she labored and which she sacrificed to establish; and this, therefore, with special and emphatic justice, she is entitled to demand. Give to her, wherever the action of the Government touches her rights, that safety which she contributed so much and so freely to secure for the benefit of others and of all; give her this, and so let her experience, and so show on your part, that national generosity such as hers, is not in all cases simple and unadulterated national folly.

But, Mr. Chairman, when I thus speak of compromise, I desire to be understood as doing it with reference only to the general representative duty which it imposes, but with none whatever to the measure which I have been endeavoring to support, that of allowing our Mexican territories to take upon themselves immediately the functions and the independence of a State. So far from referring to that, it would be extremely difficult, as it seems to me, to present any measure upon any great or greatly controverted subject of national policy, which, either constitutionally or otherwise,

involves so little of compromise in it as that measure does. Constitutionally considered, it scarcely affords ground enough upon which the subtlest expositor could support the most shadowy abstraction; whilst as a practical measure, coming into competition with other measures, it demands only that it should be preferred, that it should be taken as a choice, and is to that extent, and that only, a compromise. It calls upon no one to disavow his avowals. It asks not that any member should repudiate or retract his opinions. The anti-proviso man and the proviso man can both support it in perfect consistency with what each of them has said of his own opinions, and what each has said against the opinions of the other. The anti-proviso member cannot and will not vote for or support any act of this Government, by which the introduction of slavery into the Territories of the United States from any of the slaveholding States will be prohibited. The proviso member, taking the opposite ground, will not, and cannot, as he avers, give his vote or his sanction to any act of this Government by which the introduction of slaves from any quarter into the territories shall be allowed. Thus they stand, mutually facing and defying one another, and both calling upon the great geographical sections which they respectively represent, to stand up and support them. Here it is, at this point, that the measure now offered proposes to interfere: it proposes to step in before the contending parties, and cut off all necessity for a decision upon the questions in controversy between them: it asks the privilege of making up a new record in the matter, and going to trial and judgment upon that. It proposes, in other words, to sink the whole question of a territorial government with its long train of difficulties, doubts, and dangers, and to entertain in place of it the question of an immediate formation of a State government with its admitted rights and admitted jurisdiction. Our whole embroilment with one another here, relates to the extent of the legislative authority which Congress may constitutionally exercise over the territories, whilst they are subject to its control. We have no disagreement of opinion whatsoever as to the powers and rights of these territories over their own affairs, from the moment their territorial condition is renounced, and their State condition is assumed. From that moment, as we all agree, they are absolutely and entirely independent of this Government in the regulation and control of their own internal concerns, and have the full and sovereign right of a perfect State to establish just such system of civil rights and civil institutions as may be most agreeable to themselves. The measure before us, wisely avoiding the ground of irreconcilable and hopeless dispute, puts itself upon that of our common agreement, and therefore, with great justice, calls upon us all to come up and support it there. It gives to neither of the antagonist parties, what each one of them would doubtless have preferred—the triumph of his own side. On the contrary, it mediates between them in a spirit of fraternal and perfect fidelity to each, and by inclining neither to the one nor the other, it proposes and expects to accomplish the wise and just and national end, of settling the claims of both, consistently with the honor and the rights of both. Looking at it in this light, I cannot but regard it as a seasonable and happy measure of deliverance and relief, worthy

of all acceptance and all assistance. Take it, and our troubles are over—our reassurance of cordial and permanent brotherhood is complete. The upheaving deep of the public feeling, the surges of which already break at our very feet, will be soothed at once, and will sink back again into a calm as smooth and glassy as that of a summer sea. But reject it, and follow up that rejection by a measure of sectional wrong enforced by the stubborn will of a sectional majority, and amongst the wild and fearful issues which such a course will force into life, and which no mortal eye can foresee, it may open up a pit for us all, only less horrible than that of the lost.

Since the discussion of our territorial question commenced in this Hall, and the interest and agitation of it has extended to the country at large, we have heard more than ever before of a certain mysterious but malignant and corrupting “*slave power*,” by which, it is alleged, the free action of this Government and the liberties of our people are trodden under foot. “*Slave power!*” Oh, sir, how the truth of history, in the very matter implicated, and how the warm and kindly sentiment of national relationship which glows in the bosom of every American, wherever his home, how are they alike invaded and outraged by this offensive phrase, and the more offensive ends of sectional prejudice, animosity, and deception, to which it is so often and so wrongfully applied! The free action of this Government and the liberties of our people stricken down by the “*slave power!*” Why, sir, does not every one of us know, that of all the positive or governmental checks by which the spread of slavery has ever been restricted, the most efficacious and comprehensive of all others, by a thousandfold, is that which was put upon it under the lead, and with the hearty concurrence of slaveholding statesmen and slaveholding States? Was it not the restrictive or anti-slavery article of the ordinance of 1787, which, if not prepared at the suggestion and by the hand of Mr. Jefferson himself, was certainly prepared with his assent, and sustained upon the assent of Virginia also? Was it not this which has protected the finest territory we ever owned from the approach and the presence of the slave?—a territory of larger capabilities for the growth, and sustenance, and wealth, of civilized man, than any other equal area, it is believed, upon the surface of the globe. And yet, citizens coming from that very country, no less than citizens coming from other places, rise up in the midst of us here, and brand with abusive epithets the very men and the very “*power*” that gave this magnificent empire a bridal dowry “*to free labor and to free soil.*”

The check imposed by the Government, which is next in the order of importance and of time, is the constitutional prohibition against the importation of slaves from abroad—a prohibition which was introduced into the Constitution upon the votes both of northern and of southern States, but which would have gone into effect as early as 1800, instead of 1808, the time fixed by that instrument, had it not been for the strenuous and unrelaxing resistance in the Convention of three of the northern States—Massachusetts, New Hampshire, and Connecticut. Virginia, the great “*slave power*” of that day, and the one most reviled by this epithet at this day, stood up for the interdict on the foreign importation at the earliest period. Massachusetts

and her colleagues at the latest. Virginia, disregarding her own interest, was willing, at the earliest hour, to sweep the traffic from the sea, and to leave those "human cargoes" that we hear of, to the wretched land that produced them. Massachusetts and her colleagues, baulking at an ardor so generous as this, dropped into the rear of Virginia, and clung, perseveringly clung, to the profits of the trade, to the last hour that their associates in the Convention would allow. And thus, by different modes of action on this one subject of slavery—fostering it in the early days of the Government, denouncing it in the latter—our northern friends have contrived, by a process of ingenuity characteristically *yankee*, (I speak descriptively, not derisively), to make out of it pecuniary capital then, and political capital now. Never was there a more available subject in the hands of workmen more willing or more cunning to control it. The widow's cruse, which could not be exhausted by pouring out, is but a poor and faint emblem of its value to them. This, though inexhaustible, never grew greater. *That* did and does. No matter how opposite the uses to which these managers have applied it, whether to those of merchandise or of politics; no matter whether they nourished their opulence in former years from the tears of the slave, or point to them now in the homes of others, to arouse the horror, and so to shape the legislation of the country, no matter what the form in which they treat, or by which they metamorphose this subject of slavery, it springs up to their hands in one never-ending, but increasing harvest of advantage.

There is yet another restriction of law which has been placed by this Government upon the geographical limits of slavery—that which was placed upon it in 1820 by the well-known "Missouri compromise"—according to which all slavery was prohibited in the then territory of the United States, not embraced in the ordinance of 1787, which lay north of thirty-six and a half degrees of latitude. I need hardly say that the real author of this restriction was himself a slaveholding Representative of a slaveholding State—Henry Clay, of Kentucky. Other persons than Mr. Clay may stand upon the Journals of Congress as the formal movers and patrons of this measure, but the whole coteremporary history of the act is utterly false and worthless, if he was not the master-spirit that conceived, matured, and carried it through. When this act was passed, the great body of the southern Representatives voted against it. But since then they have not only acquiesced in it, and maintained it inviolate, but have cooperated with others in applying it to Texas, and have proposed and pressed it as a ground of equitable settlement for the controversy which now embarrasses and divides us.

Here, then, Mr. Chairman, we have a series of legal acts, proceeding more or less directly from the hands of southern men and southern States, all of which have gone to restrict the institution of slavery, both in its limits and its political strength, and all of which are entitled to be heard as witnesses whenever the "slave power" that is spoken of, is arraigned for its monstrous and its constant atrocities upon freedom and humanity! With these acts of beneficent legislation let these accusers be content; and, instead of harassing the Government and harassing the country with fa-

natical and unconstitutional efforts to enlist the sanction and the power of law yet further on their side, let them be thankful for what has been done, and leave all else to the controlling and natural influence of time and events.

I may as well advert, Mr. Chairman, at this point as at any other, to a practical question which is oftentimes asked by gentlemen here who insist upon the exclusion of slavery from our Mexican territory, and who maintain, at the same time, that such exclusion does not prejudice or impair, in the least, the full and equal right of the South and of her citizens to the use and enjoyment of that territory. We are asked to say, how such exclusion can impair this equality, seeing that northern and southern citizens, and all others; when they go into the territory as inhabitants, go there under the operation of the same law, and live there in the possession, in all respects, of precisely the same rights? How, then, can they be unequal? This question is easily answered. This Mexican territory being a conquest of the United States, effected by the united resources of all, both men and money, is consequently the joint and common property of all. This is granted. As the joint and common property, then, of all, it is, of course, free and open to the use and occupation of all, and that without any precedent or qualifying conditions, which, acting on a part only, would have the effect of distinguishing individuals or sections of the country from one another. But exclude slavery, and you do this: you establish conditions, and thereby distinctions, where there should be none. The southern citizen owning slaves would be obliged, under this exclusion, to dispose of them before he could settle in that territory, and must, of course, enjoy his share of the common property upon conditions, and perhaps embarrassing conditions, first to be complied with. The northern citizen having no slaves to dispose of, settles upon and enjoys his share of the common property without conditions. In the one case, a separate and preëxisting right, constitutionally and legally established for many generations, must be given up before a common right is allowed to be used: In the other case, that common right is laid open to immediate use, without requiring as a preliminary thereto the surrender, or the commutation, or the disposal of any other right whatever. What sort of equality is there here? and how is it possible that the very pretence of it, coexisting with such a state of facts as this, can be other than offensive, both to the feelings and the understanding of the party aggrieved?

Upon this view of the effect on the relative rights of the different sections of the country, which must necessarily result from the proposed exclusion of slavery from the Territories, we, who represent the South, have abundant reasons of right and of justice to demand of our associates here, that no such exclusion shall be sanctioned; and that no territorial government shall be forced upon us by the arbitrary use of their majority-power, by which the fundamental and cherished principle of our perfect constitutional equality shall be so painfully and hazardously set aside. To this demand, besides the sophism examined, that that exclusion works no inequality, we are yet further answered by these associates (with but few exceptions) that they cannot and will not countenance any government or any law by which slavery may be ex-

tended to Territories now free; that, in their judgment, slavery is a false, cruel, and evil institution, the "extension" of which, so far as it may depend upon them, they are determined to resist at all hazards. "No extension" is the short but comprehensive dogma under which the rights of the South, in this matter, are to be sacrificed, and the stability of the Union itself knowingly put into peril. Let us inquire into the practical purpose thus declared, and see whether it is in any respect worthy of the serious, and it may be, the fatal consequences which are so boldly and daringly risked to maintain it. This "non-extension," though a fallacy, as I think I can show, in its main and substantial idea, is nevertheless a term, as we are given to understand here, of overshadowing, and in certain regions of our Republic, of cabalistic power. It is there the Shibboleth of politicians—to utter which aright, is to live—to stammer over it, is to die. It has power to throw instantly open to its advocates the door of this Hall; it has the power as instantly to shut it in the face of its opposers, and so condemn them to penitence or to obscurity. In this, it is like the "open sesame" of the Arabian Tales, which had only to be spoken clear and strong, with emphasis and unction enough, and at once the rocky door to which it was addressed flying open, offered a cavern of gold for the spoil of the spokesman. So here, let the words "non-extension" be only spoken out by some free-soiler, with no Mussulman faith, but with a hearty and believing spirit, and our own barred-up and heavy door swings wide open to the speaker, and admits him to a share of richer treasures than were ever found in the cave of Abdallah.

But, sir, to the words themselves: in what sense are we to understand them? As far as I have understood the gentlemen who use them, they do not place their objections to slavery upon the ground that it covers any particular superficies of the country—as Alabama, or Louisiana, or Texas, for example—or upon the ground that it may cover any other superficies; but upon that of its intrinsic qualities: slavery, as established amongst us, being in their judgment a prejudicial and a wicked institution—wrong in principle, wrong in practice, wrong every way—and one, therefore, the strength and the growth of which, and the personal sufferers from which, ought never to be increased by any act of the Government, and never shall be by any act or concurrence of theirs. This is their ground. And if the gentlemen who take it can only show, that by extending this institution into our Mexican territories its basis is made firmer and deeper than ever—that stronger supports of law are thereby provided to foster and sustain it—that a new condition and habit of society more favorable to its continuance than any preëxisting one is established—that when it is extended in that direction it is not correspondently weakened in any other, and that the number of slaves is actually increased by the process; if they can show that by these means, collectively, or by other means of equivalent effect, the institution of slavery, considered as a whole, is rendered by its admission into those territories a more powerful institution than ever—better sustained by law, by social preferences, by private interest, and more incapable, throughout the length and breadth of it, of voluntary control,—then they will make out a case of

real and substantial "extension," and not of ideal only. But, Mr. Chairman, I deny that the admission of slavery into these territories will be followed by any such general and invigorating consequences to itself as these, and deny, therefore, that the "extension" of it thither, in any substantial sense, is an extension at all. Nay, sir, I go further than this, and maintain that such admission, so far from being an "extension" or invigoration of the system of slavery, is, on the other hand, one of the direct means by which its ultimate extinction (should that be ever desired by the people, who have sanctioned and who only have the right to control it) may be rendered more accessible and more easy. Every slave, be it recollected, that is taken to California or to New Mexico, makes one less in some of the States. Let them be taken by thousands or by tens of thousands; it matters not; the whole process of filling up the territories with them, whether faster or slower, is a process for reducing, *pro tanto*, the numbers of them where they now are, and, consequently, amounting, in national effect, to neither more nor less than a transfer of these people from one portion of the United States to another. And not only is this true of the first effect, but also of the ultimate effect of this transfer. For the slaveholding States, being altogether as fruitful in the production of everything necessary to human subsistence as our territories are, the people that inhabit them are just as remote as any equal numbers in the territories could ever be from the period when their natural progression would be checked by the scantiness of food. Whatever, then, the number to which the emigrant slaves and their posterity might grow up in the territories, if admitted there, it will be, allowing for the difference at the outset, substantially the same as that to which it would have grown up in the States, had none of them ever been removed. Now, as the original supply of slaves for this emigration must be furnished by the slaveholding States, whose own numbers must thereby be reduced by the exact amount of that supply, and as their reproduction in the territories is in no degree greater than in the supplying States, it is clear, that whilst a fragment of the slave population has changed an old residence for a new one, the population, in other respects, is just what it was. Not a solitary human being has been made a slave by the "extension" who would not have been one—necessarily and inevitably one—had such extension never taken place, and never been dreamed of. As the extent of personal slavery cannot be changed by its transfer to the territories, what is it that is to be changed? Not the personal hardships of the condition, and not the legal enactments by which that condition is secured or enforced; for it is, in no respect, even supposable, either that the treatment of the slave will be harsher in the territories than in the States, or that the property or police laws which govern him there will differ in any material point from those to which he has else where been subjected. If slavery, then, in its most important aspects, in its personal, numerical, moral, and legal aspects, is unchanged, if not unchangeable, by its admission into the territories, where is the harm which comes of this "extension," that it should be so furiously and relentlessly resisted? There is but one solitary element of increased strength or power to slavery which

this extension can involve, and that is the political one which may contingently inure to it from an increased representation in the United States Senate. Should the admission of it into the territories result, as it probably would, in the final recognition and establishment of it under their State constitutions, there would result with it the advantage of being represented by additional members in the Senate; and in that particular, and that only, the extension would bring along with it an unquestionable gain. In this House there would be none. The representation in it being founded in numbers, the whole of the slaves who would be counted for representatives in California and New Mexico, but for their removal there, would have been added, with all their increase, to the count or reckoning of the States from which they were taken.

In this House, therefore, the strength of slavery will not be increased a particle by its deprecated extension. In the Senate it will be, and it is just and right, upon the whole spirit and structure of our Government, that it should be. We of the South, as I have already said, are in a double minority—one of numbers and one of interest; and on behalf particularly of our interest minority, we are entitled, consistently with the defensive principles of our political system, to direct and adequate constitutional protection.

A minority in numbers may be so identical in sympathy and interest with the majority in numbers as to enjoy, practically and in fact, the full benefit and protection of the majority power. But this can never be the case with the minority in interest, as we have some painful occasion to know. Our interest is separate, sectional, and peculiar—at all points an interest of antagonism; adversary, as our constitutional colleagues allege, to their feelings, their habits, their convictions of right, and their sense of public duty, to sanction or maintain it; and hence it is an interest which is especially liable to attack and aggression, and will be sure to suffer from both unless protected by a sufficient constitutional shield. This would be afforded, in some measure, by adding directly to its representation in the Senate, and afforded precisely on the same principle on which that representation was originally granted to such States as Rhode Island and Delaware—the principle, namely, of defending the weaker against the power and aggression of the stronger. But even then, with all the benefit of new and augmented numbers in the Senate, the whole necessities of our case will not, at last, be reached; for, to other minorities, we are destined to that of a minority of States, as well as of population and interest.

Turn your eye upon that part of our national map which is yet to be parceled out into States, the Mexican territories included, and it would seem that the probable and natural division of it would be into about five new slaveholding States, and six or eight non-slaveholding or "Free-soil" States. Add these five to our present stock of fourteen, (for I do not reckon Delaware amongst the slaveholding States,) and we shall have nineteen States, represented by thirty-eight Senators. Add the new to the sixteen free States, and they will amount, at the lowest estimate, to twenty-two in all, having forty-four Senators.

Thus, upon the supposition that New Mexico and California should both become slaveholding States, the other States have now, and will con-

tinue to have, a fixed, established, and immovable majority. Their present majority, also, in this House, is obliged to become progressively greater and greater, at every successive reapportionment of its numbers. Almost all of the foreign and almost all of the internal immigration is also to them; and, what is more, it is in the power of their Representatives in Congress, being a majority of the whole, so to dispose of this territorial subject as to stimulate that emigration from the slaveholding States to a greater and more mischievous extent than ever.

Although it would be easy, Mr. Chairman, to illustrate the nature and effect of that "extension," so denounced and so resisted by gentlemen here, in still other aspects, yet enough has been said, I think, to show that the main idea which it conveys to the popular mind is a deceptive and mistaken one; that, in point of fact, the extension of slavery to the territories will not and cannot make one single human being in this country a slave, who would not have been one without it; that it will not render the personal condition of the slave a particle harsher than now; that it will not render the rights of slavery, as a social or legal system, a particle stronger than now; that it will not add anything whatsoever to its strength, except, contingently, in its greater political representation in the United States Senate, and that the addition so made to it there is not only in strictest accordance with the guarantee principle on which that branch of Congress, for just such cases, is constituted, but falls short of full and perfect protection, because of that ultimate minority in which the slaveholding States are destined to remain.

We thus see, Mr. Chairman, what extension *will not do*. Let us reverse the picture for a moment, and see what it *will do*, not politically, but practically. It will cooperate with other causes already existing for the gradual transfer of slaves from situations where their labor is least valuable, to where it will be most so; that is, from the grain-growing to the planting regions of the United States. Wherever sugar and cotton-growing lands could be had in these Territories cheaper and more productive than similar lands in the States, they would be bought up and settled with slaves, and these, to that extent, would be drained off from their present abodes into them. This deportation of slaves for the very purpose of settling such lands has been steadily going on for many years amongst the States themselves, until at length it has come to mark itself upon the condition of property and the structure of society in some of them—Virginia, for instance—by consequences of the most decided and almost revolutionary kind. First, the annual reduction of the black race by removal is equal to, if not greater than his natural annual increase. Second, this reduction of black labor opens up many employments, especially mechanical employments, to the easier and more profitable pursuit of the white man, and thus discourages his emigration from the State. Thirdly, this reduction has the further effect of leaving a progressively increasing deficiency of labor for the full occupation and tillage of the soil, and so throws out of use and into market immense quantities of improved land, which, far exceeding the wants and the means of local purchasers, are left to grow on into greater and greater amount, until, by-and-by—perhaps at this hour—habitations of a com-

fortable kind, and of indefinite extent, can be had upon better terms in the oldest, and, commercially considered, the best portions of that "ancient" Commonwealth, than even in the unpeopled wilds of the "far West." These causes, combining with one another and with other causes, have so operated upon the relative growth of the two races in that State, as to be daily adding to the more and more decided preponderance of the white one. If they are allowed to work on as they have already done and are now doing, especially if the auxiliary and stimulating cause of a free admission of slaves into the Territories be superadded, it is evident, as their number, both absolute and relative, will grow less and less, that the whole system of slavery in Virginia will be placed in a new and more controllable relation than it has ever stood in before. When, under the uniform and wholesome law of private interest, the black population of Virginia and Maryland and North Carolina, Missouri or Kentucky, quietly empties itself out upon the sugar and the cotton lands of the Territories, or of the lower South, where the torrid sun is so propitious to their constitution and labor, and when, as a consequence of this removal, freemen enter into and occupy the homes they have left, what is there in this to lament? What shock does it inflict upon personal humanity or general freedom; that those of us here who are the professed, if not the exclusive supporters of both, should denounce and deplore it?

But, Mr. Chairman, let this transfer of the slave to the lower, more congenial, and more profitable latitudes of the South be stopped; begin the stoppage of it here, by shutting him out of your territories in Mexico; let that act of yours be followed, as it surely would be, by prohibitory acts on the part of the slaveholding States themselves, mutually forbidding importations from one another, then the relative progression of the black over the white race will rapidly advance, and a disastrous future to them both will begin at once to be shadowed out. Not only is the increase of the black race greater under all circumstances than that of the white, because of the absence, in their case, of all prudential restraint, but when no emigration is allowed to keep down that excessive growth, it will follow, of course, that that race will absorb all the occupations upon which the laboring part of the white one can live, and they, as a consequence, will be driven away. When all the field labor, when all the handicraft trades, such as carpenters, coopers, tanners, blacksmiths, shoemakers, &c., are engrossed by the slave, and taken away from the resources of the laboring white man; when, in addition to this, the hopes and means of common education are all cut off by contiguous settlements of slaves over whole districts of country; when this comes to pass, what earthly consideration can prevent a laboring man so situated from instantly picking up his family and going to some other community where he might hope to improve and better their condition? Nothing could prevent him. Thus throng after throng of this class—amongst the very soundest and best of all—would pass away from amongst us, almost as numerous and as unreturning as the passengers to the tomb; and so they would continue to pass away, until, by-and-by, in the course of a few generations, the whole population in our slaveholding States would be reduced to the slaves upon one side, and the masters and managers on

the other—a disproportion so great, so palpable to every eye, so suggestive to the slave himself of the fearful secret of his gigantic physical power, that nothing could take from his heart the temptation to try it, and try it he would, no matter what the consequences; and thus catastrophe would follow catastrophe, and our sunny and happy South would be covered over with scenes of conflict and of weeping. Concentrate the slaves where they now are, and strip us by that very act of the energies and protecting presence of the laboring white man, and the bloody process of St. Domingo emancipation will be tried amongst ourselves—vainly, but yet afflictively tried.

The only preventive for this which is at our command, the only constitutional mode in which slavery is accessible to us at all, is to open up, as far as we have the power, every practicable outlet for its diffusion. Let it go into the territories; let it go, unrestrained, wherever it is thought most to its interest to go—to the ends of the earth, if it were possible. You thus cut up the great mass of it into fragments, which you divide or parcel out amongst a greater number of States, thereby rendering it comparatively harmless for evil, and thereby, too, so reducing the magnitude of it, wherever considered a burden, that each particular State upon which it presses will be better able than before to cope with and to master it.

But this is the exact remedy in the case which gentlemen here so strenuously and so ardently resist. Instead of dividing out and draining off this population, they are for hedging it in; they are for accumulating it mass upon mass into one vast storehouse of conflict and calamity. Like a turbid and swollen stream, if its channels are open and unobstructed, it will flow on without danger; but if they are choked and dammed across, and the living and swelling waters, thrown back upon themselves, are to be pent up and confined, they will gather, wave upon wave, into an impending deluge for the overwhelming of embankments and all that they were raised to protect.

Well, gentlemen, go on with your schemes; carry out your proposition of "free labor and free soil" to the uttermost; rule out the slave from your territories; rule out the South, your true and loyal partner in every extremity for seventy years; rule her out from all due participation in these territories; use all the liberty and all the faculties which your union with her has imparted to yourselves to crush her right to a coequality with you in the use and enjoyment of a common property; call upon her to bow down and submit to conditions as conditions precedent to such enjoyment which, or the equivalents of which, in your own case, you would indignantly refuse; do all this, and do it in such a way as will go the furthest to offend her sense of justice and of constitutional right—to wound her honor, to mortify her quick and generous spirit; and what, at last, will you have accomplished by it all? What amount of public good at all commensurate with so much sectional wrong? What, in fact, will you have done by it, except to depopulate the South in a great measure of her white inhabitants, and to put the residue, together with their slaves, in a state of aggravated and appalling danger to one another? This is all that you will have done. And is this an achievement worthy of your philanthropy and your labors? Is this an object for which, in the

judgment of patriots, statesmen, and christians, the angriest passions of the country ought to be aroused, its great divisions thrown into commotion with one another, and our blessed Union itself brought into danger—that Union which, next to personal liberty (and it is a high protector even of that) is to every American the richest of all the public treasures which Heaven has to give—that Union which, considered even as antagonistic to the hopes of the slave, (though it is not so,) would still, in the righteous judgment of the world, be worth more, immeasurably more, to us and to mankind than all the slaves of all the globe together? Extinguish it, if you can, in a ruthless and senseless crusade for the slave, and he and his advocate and his master will suffer and perish together. Light up, if you can, the warfare and the spirit of another Peter the Hermit, and in this case, as in that, you will be rewarded with desolation and a tomb.

That slavery has been permitted to establish itself on this Continent for purposes both of wisdom and of mercy, no reasonable man who is accustomed to look for the origin or the progress of events in a power and a knowledge higher than his own, can reasonably doubt. Neither can he doubt that these purposes, whatever they are, will in due time be made manifest to all. Meanwhile, it is not for us to lay an impatient and forbidden hand upon any of the powers of this Government for the purpose of disturbing or controlling it by any authority or action of ours. On our part, perfect abstinence in regard to it is the wisest of all policies, the clearest of all constitutional obligations, and the best of all personal humanities. *Let it alone*, is the one rational and authoritative injunction of wisdom and of duty concerning it—let it go south, still south, as it is now going; and let its diffusion be such that the two races shall be protected as long as possible and as much as possible from all liabilities of violent collision with one another. This permitted and done, all else should be patiently left to the developments and the teachings of time.

Some of these, as they have gradually come to be seen and apprehended, are beginning to shine forth with impressive and instructive significance. Take the color, for instance—a mark of perpetual separation from the white man, but a bond of perpetual union and sympathy with the negroes themselves. It is and ever has been prohibitory of all complete amalgamation between the races, and thus preserves amongst us all the physical characteristics of the African just as they were impressed upon him at the hour and in the land of his birth. But this separation of the races, with the ultimate and providential design, it would seem, to maintain on this continent all the physical peculiarities of the African on his own, would never have been effectual had it been left to the mere caprices of sentiment or taste founded upon varieties of color. These might have been overcome, and the peculiarities to be maintained consequently lost. They are therefore placed beyond the law of taste, under the protection of another physical law which lies far deeper, operating independently of all human will, and enforcing itself under the sternest and severest of natural penalties. The offspring of the two races is a hybrid—an offspring whose progression, though not limited like that of some of the lower animals to the first generation, is never-

theless so arrested by lunacy, idiocy, blindness, deafness, and dumbness, and other the most crushing infirmities "that flesh is heir to," that it can never become the sound parental stock of a self-maintaining population.*

Here, then, we have, always before us, the remarkable phenomenon of one race of mankind living, and living for upwards of two hundred years in the midst of another race, and yet incapable, by reason of natural laws, of disappearing by incorporation with it and thereby incapable also of impairing or losing any of its original and native characteristics. The final cause of this phenomenon must be looked for either in that primitive doom upon Canaan by which he was sentenced to be "a servant of servants unto his brethren," or it is to be found in some high and renovating function which the American slave is yet to fulfill in the redemption of the continent from which he came.

Besides this physical immutability of the negro, as a race amongst us, he has in association with it another peculiarity, scarcely less striking or significant than it is: and that is his extraordinary aptitude to possess himself, as if by intuition, of all the tastes and social habits and mechanical arts and domestic intelligence and civilization of his master. You may pick up a wild negro in Dahomy, and bring him to Virginia, with his fetishes and his conjuring rod, and his sharpened cannibal teeth, and his unintelligible tongue, and give him there no other instruction but what he can catch from his fellow-slave at their common work, and in a few years he will be a civilized man. And if he is not, his American child in the first generation will be. This is true of no other savage man upon earth. Look at our own red man—as uncivilized almost as if centuries of effort had not been expended upon his improvement. Look at this very African himself in his own country, amongst the most incapable of all savages for self-elevation, but wonderfully capable of helping himself up by the hands and assistance of others.

In this connection, it may be stated, as one of a group of facts, mutually bearing upon and illustrating one another, that the climate of Africa is too fatal to the white man ever to become the place of his safe and permanent abode. This, our experience at Liberia, and the missionary experience of our religious societies at other points, very fully establish. It is obvious, therefore, from this, that whatever is done for the moral improvement of that continent, must be done by those whose entire physical nature is suited to its baleful and burning sun. It must, in other words, be done by the black man himself. And here, in the absolute necessity of confiding this high mission to him, or of leaving

* The following facts, taken from an official letter from the Secretary of State to Mr. Pakenham, the British Minister, in April, 1844, will serve to illustrate this position. The number of deaf and dumb, blind, idiots, and insane, amongst the free blacks in the non-slaveholding States, is one out of every ninety-six; the number of the same classes amongst the slaves of the slaveholding States, is one in six hundred and seventy-two. In the State of Maine, the number of free blacks returned as deaf and dumb, blind, insane, and idiots, by the census of 1840, is one in every twelve. In Florida, the number of the same classes amongst the slaves, is one in every one thousand one hundred and five. In Massachusetts, out of a free black population of something more than eight thousand, one in every thirteen was either deaf and dumb, blind, idiot, insane, or in prison.

Africa to her solitary woe, we find a not improbable solution of so much that is peculiar and otherwise mysterious in his circumstances and position amongst ourselves. Here, in the light of this necessity, we see, most probably, why it is that his perfect identity has been protected by natural laws, which rendered his incorporation with us, and, consequently, his disappearance as a distinct race, absolutely impossible. Here, too, we have, as probably, the reason of his extraordinary capacity to take upon himself the knowledge and the arts of his master. Here, too, perhaps, the reason of his presence *with us*, amongst whom the habits of private intercourse are freer, and the rudiments of learning more pervasive and universal, than amongst any other people in the world; and here, also, may be the reason, why he was bound, hand and foot, with the iron chain of personal bondage, that thus he might be fastened to the spot of his trials and his training, until all things were ready for his final deliverance and departure.

I offer you, Mr. Chairman, no hypothesis upon these facts. They are such, however, undoubtedly, as to encourage the hope that our country may become to Africa, as to others, the nursery and storehouse of its civilization and its freedom; that though it has trodden upon a portion of her children, and harnessed them for long years to the yoke of its labors, yet that even thus it has been unconsciously but beneficially preparing the means by which the smitings of this very portion may be converted into the uplifting of a continent, and the superstition and cannibalism and tears of its sunken millions be wiped away. The facts, also, are such as to surround this whole subject of slavery with new motives to forbearance, and new injunctions against the folly and the wickedness of all unauthorized intermeddling with it.

When I look, Mr. Chairman, beyond the forms of legislation, and consider who the real parties are to the controversy before us—that they are not individuals rushing into altercation with one another, under the fierceness of ignoble passions, excited for ignoble objects, but powerful and independent States, constituted into one for certain great ends of mutual protection and advantage, and bound therefore, upon the first great law of governments as well as of persons—the law of self-preservation—so to administer that common government as never to endanger or overwhelm it;—when I consider, sir, who the parties are—what their relative obligations—what their reciprocal dependence—how infinitely exceeding everything else is the interest of each in the mutual justice and fidelity of all—how amazing their prosperity—how exalted their renown—how renovating their example upon the hopes and liberties of the world—how inspiring the thought that their republican banner not only waves over an empire unparalleled in all its elements of happiness and freedom and power, but is yet to wave, by its influence, over the illimitable empire of reborn and self-governing man;—when I consider all this, sir, I cannot be otherwise than cheered with the conviction that all will be well; that parties so situated will never profane their story nor their honor, through an act of deliberate wrong by either on the other; and that “the spirit of amity and of mutual deference and concession” which united them at first, will triumph over all troubles, dispose aright of all contests, and thus continue to harmonize and unite

them forever. In such a brotherhood of parties, when difficulties arise, there is no expediency upon which to settle them but that of justice; no benefit to be sought in the settlement but the benefit of all. So thinking and feeling habitually, I almost hesitate to ask of any possible adjustment of the difficulty before us, what will our part, our southern part, of its history be? Will it be a history of disappointment, mortification, indignity, and wrong? And your part of its history—will it be the short and the stern one of power—power—uncaring and unrelenting power? It is said of one of the very worst of the Roman emperors that he lamented with great bitterness that his reign had never been distinguished by the occurrence of any remarkable calamity, and had no other or better record by which to be transmitted to posterity than the dull and monotonous one of its prosperity and peace. He dreaded lest it should fade from the history of the world, and be lost to the gaze and the animadversion of man. Sir, if you will only push on the controversy which now disturbs us, from angrier to angrier tone, if you will only settle it here with deliberate indignity and wrong to one of the parties it involves, you will soon interweave with the richest and purest national happiness which it was ever allowed any people on earth to enjoy, a memorial of national sorrow, withering and crushing enough to have satisfied the monster wish and the monster heart of Caligula himself.

But, Mr. Chairman, when I pass by the collective parties in this case, and recall the particular ones; when I see that my own State is as deeply implicated in the trouble and the danger of it as any other, and shares, to the full, with all of her southern colleagues, in the most painful apprehensions of its issue,—when I see this, I turn involuntarily, and with unaffected deference of spirit, and ask, What, in this exigent moment to Virginia, will Massachusetts do?—that Massachusetts which, in the designations of our early colonial history, was known as Northern Virginia. What will Northern Virginia do, in the matter before us, for her southern namesake and sister? Will you too (I speak to her as present in her Representatives)—will you too, forgetting all the past, put forth a hand to smite her ignominiously upon the cheek? In your own early day of deepest extremity and distress—the day of the Boston Port Bill—when your beautiful capital was threatened with extinction, and England was collecting her gigantic power to sweep your liberties away, Virginia, caring for no odds, and counting no cost, bravely, generously, instantly, stepped forth for your deliverance. She made the day on which this bill was to be executed, the 1st of June, 1774, a day of humiliation, fasting, and prayer—thus imploring, with one voice, the protection and blessing of Heaven upon you, and thus, through a religious act, the ultimate one of national distress, rousing up her people to the fullest and most startling sense of the outrage and the peril which awaited you. She called upon you to stand up for your cause; that it was the true cause—the cause of right, and freedom, and justice; that, as such, she made it her own, and would fight it out with you, blow by blow, and, live or die, would give every faculty that belonged to her of soul and body and estate, to make it good. Addressing her through the justice of your cause and the agonies of your condition, you asked her for her heart. She gave

it: with scarce the reservation of a throb, she gave it freely and gave it all. You called upon her for her blood. She took her children from her bosom and offered them to supply it. With her spirit, with her appreciation of the great principles of representative and of popular government which your case involved, and with her holy enthusiasm in their support, Virginia would have been utterly recreant to herself if she had done anything else or anything less than she did.

But in all this she felt and knew that she was more than your political ally—more than your political friend. She felt and knew that she was your near, natural-born relation—such in virtue of your common descent, but such far more still, in virtue of the higher attributes of a congenial and kindred nature. Do not be startled at the idea of common qualities between the American cavalier and the American roundhead. [Note.—At this point Mr. McDowell's hour having expired, he was about to close his remarks, when he was called upon from all parts of the Hall, with strong emphasis, to "go on"—"go on." To this request, the committee giving its unanimous consent, he proceeded:] Do not be startled, Mr. Chairman, at the idea of a close and near relationship between the impetuous and haughty, but courteous colonist of Jamestown, with his intense point of personal honor, and his devotion to all that is stirring in the incidents of life, and the stern, solemn, self-denying, almost ascetic pilgrim of Plymouth. A proud but misguided legality drives the defenders of the Stuarts to the shores of the Chesapeake, that there, in privation and in poverty, if need be, they might follow out the impulses of their own honor and their own free will, without let or hindrance from human authority. A pure, exclusive, uncompromising spirit of religion, that could not mingle with, and that would not be controlled by the corruptions of earth, drives a persecuted but a precious people to the rocks of Massachusetts Bay, that there, whatever else might betide them, they could pour out their hearts as they pleased to Him whom it was the richest of all their delights to worship and to serve. A heroic and unconquerable will, differently directed, is the pervasive and master element in the character of both. Secondary differences—the differences of culture—a culture which, in the one case, was directed to train the heart for all that was gay and glad and animating in life; and in the other, to train it for a subdued, chastened, concentrated spirituality—these have thrown around our ancestors a various costume, and have long exhibited them to one another and to the world in all the glare of a pictured and dramatic contrast. But in that proud and lofty spirit which claims the human will for itself, which indignantly repulses every desire or effort to control it, as an unwarrantable and impious wrong—in that they were thoroughly and indissolubly one. The same in this master quality, so controlling in itself of all others, it was impossible for them to be otherwise than blended by it promptly, harmoniously, gloriously, at the very dawn of our national day. They were the first, as a consequence, to proclaim and to resist the aggressions of England, and never after, even in the fainting hours of the struggle that followed, were they absent from the duty or the spot where their valor or their counsels were required. Nourished by the same spirit, sharing as twin sisters in the

struggle and the heritage of the same revolution, what is there in any demand of national faith or of constitutional duty, or of public morals, which should separate them now? What is there in these grounds—the sound and the true grounds of national conduct—that should induce Massachusetts to disavow the rights, disown the equality, disdain the remonstrance, or scorn the feelings and the honor of her best, her strongest, and her earliest friend? What is there in the possibilities of sectional advantage so precious as to justify her, or any other, in risking, for a single moment, the danger of incurable family discord in order to obtain it? It is not for us as a people or as States, to stay the march of that unseen and eternal cause which sweeps over the devices and the trophies of man, and crowds whole nations, in melancholy procession, to the tomb. But it is for us, as both, to stay the very beginnings of that family quarrel which never fails, wheresoever it occurs, to hurry onward and downward the destiny of a people, and which so strips the destiny that it hurries on of every hope that could soothe, and so surrounds it with every element of utter and appalling woe, as to mark it out from all common curses for the shuddering, the horror, and the admonition of man. Shrink from such a fate as this, and from the causes that impel to it, we cherish with the deeper fervor the just and the natural hope that here, in this honored temple of our common liberty, Virginia and Massachusetts, by whose hands and whose wisdom in chief it was reared into power, will sit and worship side by side for ever; that here, in the peace of Heaven and of each other, with clean hands and pure hearts, they will always minister in public things, doing right to all, wrong to none; that here they will carry on, to its brightest consummation, the illustrious career they have begun, comforting, cheering, supporting one another through all the conflicts of the day, and mitigating, should they ever come, the convulsions of the last hour by the soothing of a last embrace: thus testifying, for the honor of our nature, to a national fidelity, which there was nothing in the power of temptation that could corrupt, and nothing but the power of death that could destroy.

Gentlemen, Representatives of Massachusetts, what say you? Are you agreed? Your equals before the Revolution began—your equals when it did begin—confederated as your equals in 1777—united as such in 1787—cooperating with you as such in the administration of our common country from the declaration of independence to the present hour, and so confederated, united, and cooperating with you with all the local rights and institutions which are objected to us now—are you agreed that what we were and are, and ought to be and must be, we shall always continue to be, your equals—inviolably your equals still? Are you agreed to this? If so, then, in the sight of Heaven and of man, we shall renew this day a compact, not of peace only—no, no; not only of peace, grateful as that alone would be—but a compact of immortality for our country.

As the powers of this Government, and, therefore, to a great extent, the destinies of this country are intrusted officially to our hands, it is our duty to give all vigilance of ear and eye and thought—to everything that can affect them. It is for us, then, to be warned by that voice that comes from

all the records of all the past, and comes to admonish us, that lost republics are lost forever; that though their spirit never dies, but abides upon the earth to enlighten, to improve, and to bless it, yet that it never revives to regenerate themselves. Look at the reptile and the tiger, as they have dwelt for ages in the habitations of the Holy City; look at despotism, worse than either, as it has nestled and brooded with its raven wing upon the very bosom of buried republics, and be warned of that mysterious doom, that evident ordination from on high, which connects, in eternal fellowship, the privileges with the punishments of nations, and never allots the highest blessings but side by side with the heaviest woes. Let us be warned by this fated conjunction to put away all passion, and prejudice, and parricide—unacknowledged but latent parricide—from amongst us, to gather around and press to the side of our country; to heal the chafings and wounds of her spirit by the unity and fervor of our own; to be ready ourselves to sacrifice and suffer, if need be, that she may never sorrow or perish; and if there is a curse in all our borders, let it abide for the overwhelming of him who cometh not up in the hour of trouble to succor, to defend, and to save;—yes, for the overwhelming of him and such as him; for where, under Providence, but upon the heart—the constant and devoted heart—where but upon the patriotism and the virtue of her sons is the country to rely in the moment of adversity, or at any time to rely against the perversion of her own mighty elements of good into mighty engines of evil?

Give us but a part of that devotion which glowed in the heart of the younger Pitt, and of our own elder Adams, who, in the midst of their agonies, forgot not the countries they had lived for, but mingled with the spasms of their dying hour a last and imploring appeal to the Parent of all Mercies that he would remember, in eternal blessings, the land of their birth: give us their devotion—give us that of the young enthusiast of Paris, who, listening to Mirabeau in one of his surpassing vindications of human rights, and seeing him fall from his stand, dying, as a physician proclaimed, for the want of blood, rushed to the spot, and as he bent over the expiring man, bared his arm for the lancet, and cried again and again, with impassioned voice—"Here, take it—take it—oh! take it from me; let me die, so that 'Mirabeau and the liberties of my country may 'not perish!'" Give us something only of such a spirit as this—something only of such a love of country, and we are safe, forever safe: the troubles which shadow over and oppress us now, will pass away as a summer cloud. No measure of unallowable wrong, no measure of unconquerable disagreement, will be pressed upon us here. The fatal element of all our discord will be taken from amongst us. Let gentlemen be entreated to remove it, as the one only and solitary obstacle to our perfect peace. Let them be adjured by the weal of this and of coming ages—by our own and our children's good—by all that we love or that we look for in the progress and the glories of our land, to leave the entire subject of slavery, with every accountability it may impose, every remedy it may require, every accumulation of difficulty or of pressure it may reach—to leave it all to the interest, to the wisdom, and to the conscience of those upon whom the providence of God and the Con-

stitution of their country have cast it. Leave it to them, *now and forever*, and stop, whilst it is yet possible to stop, the furious and blind headway of that wild and mad philanthropy, which is lighting up for the Nation itself the fires of the stake, and which is rushing on, stride after stride, to an intestine struggle that may bury us all under a harder, and wicked, and more incurable slavery, than any it would extinguish.

Nothing but aggravation of heart and of lot have been brought upon the poor slave by the rash and unwarranted efforts which have been put forth to relieve him. They have broken down the footing he had reached, crushed the sympathies he had won, embarrassed and accursed the fortunes they were intended to control. The generous and elevating influence of our free institutions was relaxing his bondage, bettering his condition, lifting up his character, turning upon him the public anxieties and the public counsels, as a fit and deserving object of provident and public provision—was changing, at all points, the aspects of his fate, when the spirit of Abolitionism, political and fanatic, came from abroad to scourge him with a demon visitation, to wrench him from the arms of his only true and only capable benefactors, to throw him back again upon the earth, a thousand-fold more suspected, separate, and forlorn than ever; riveting upon him every fetter it would loosen, poisoning every blessing it would bestow; and so filling his whole case with elements of hopelessness, explosion, and evil, that the heart shudders whilst it weeps to look upon it. What are they who cherish and direct this spirit? Friends of the slave? They are robbing him of every vestige of liberty he has left. Friends of humanity? They are staking it, ruthlessly staking it, upon the issues of massacre and convulsion. Friends of the country? They are rapidly becoming its iron homicides, cleaving down its Constitution with murderous arm, and tearing it limb from limb.

Should it ever happen, as the result of any interference and action here, that some insurgent ebullition of the slave will break out amongst us, that the blood of our people will be made to stream in our dwellings, and ooze up from the bosom of the soil that feeds us, it will cry aloud, like that of Abel, for vengeance against the brother's hand that shed it; and vengeance would be had, though every drop that was left should be poured out in one anguished and dying effort to obtain it. Nothing but Heaven could stop a people so lashed up to phrensy by rage and suffering and wrong, from sending back upon the firesides and the fields of the guilty that visitation of calamity and death which had first been sent to desolate their own. Spare, oh! spare us the curse of a broken brotherhood—of a ruined, ruined, ruined country. Remember that there are no groans like the groans of expiring liberty—no convulsions like those which her dying agonies extort. It took Rome some three hundred years to die. With far deeper vitality than hers, our end, when it comes, will come with a far keener, crueler, and bitter pang.

Give up our common and united country—give it up at the call of some sectional interest—sacrifice it to the phrensy of fanaticism or of passion—let it go down, down, under some monstrous and horrible struggle of brother with brother,—do this, and you will get it back again as you have it now—the home of happiness, the city upon a hill towering up

for the light and for the healing of nations—you will get it thus again when the "shadows shall go back upon the dial of Ahaz"—when He who sent out the luminary of day upon his march shall again put forth his hand and stop him in his pathway of light.

It is said, sir, that at some dark hour of our revolutionary contest, when army after army had been lost, when dispirited, beaten, wretched, the heart of the boldest and faithfulest died within them, and all, for an instant, seemed conquered except the unconquerable soul of our father-chief,—it is said that at that moment, rising above all the auguries around him, and buoyed up by the inspiration of his immortal work for all the trials it could bring, he roused anew the sunken spirit of his associates by this confident and daring declaration: "Strip me (said he) of the dejected and suffering remnant of my army—take from me all that I have left—leave me but a banner, give me but the means to plant it upon the mountains of West Augusta, and I will yet draw around me the men who will lift up their bleeding country from the dust, and set her free." Give to me, who am a

son and representative here of that same West Augusta, give to me as a banner the propitious measure I have endeavored to support, help me to plant it upon this mountain top of our national power, and the land of Washington, undivided and unbroken, will be our land, and the land of our children's children forever. So help me to do this at this hour, and generations hence, some future son of the South, standing where I stand, in this same honored Hall, and in the midst of our legitimate successors, will bless and praise and thank God that he, too, can say of them, as I of you, and of all around me, These, these are my brethren, *and this, this, oh! this, too, is my country!*

NOTE.—Mr. McDowell, in committing the foregoing speech to the press, deems it but just to say, that, though he labored to report it exactly as it was delivered, yet he has succeeded in part only. In some parts the report he knows to be exact, but in others to be rather a resemblance than a copy. Some paragraphs are published which were glanced at only, and not spoken, lest the hour rule should cut off others that, at the time, he preferred to introduce. Some short portions, on the other hand, are omitted entirely, because the general tone of them could not be recovered.